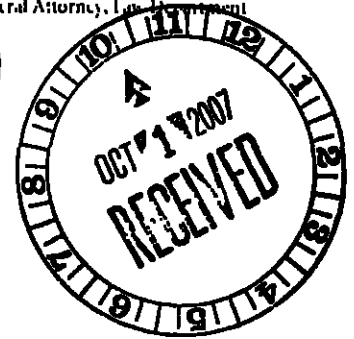




Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

September 28, 2007

220367



**VIA UPS OVERNIGHT**

Surface Transportation Board  
Section of Environmental Analysis  
1925 "K" Street, N.W. Room 504  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings

OCT - 1 2007

Part of  
Public Record

Attention: Victoria Rutson

Re: Proposed Abandonment of the Huntsville Industrial Lead from M. P. 5.0 to M. P. 6.67 near Huntsville, Walker County, Texas; STB Docket No. AB-33 (Sub-No. 246X)

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket are the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing an Notice of Exemption in this matter on or after October 22, 2007.

Sincerely yours,

Enclosures

O:\ABANDONMENTS\33-246X\EHRLetter.doc

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 246X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN WALKER COUNTY, TEXAS  
(HUNTSVILLE INDUSTRIAL LEAD)

---

Combined Environmental and Historic Report

ENTERED  
Office of Proceedings  
OCT - 1 2007  
Part of  
Public Record

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney  
101 North Wacker Drive, Room 1920  
Chicago, Illinois 60606  
(312) 777-2055  
(312) 777-2065 FAX

Dated: September 28, 2007  
Filed: October 1, 2007

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

Docket No. AB-33 (Sub-No. 246X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN WALKER COUNTY, TEXAS  
(HUNTSVILLE INDUSTRIAL LEAD)

---

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment and discontinuance of service over the Huntsville Industrial Lead from Milepost 5.0 to Milepost 6.67 near Huntsville, a distance of 1.67 miles in Walker County, Texas (the "Line"). The Line traverses U. S. Postal Service Zip Code 77340. The UP anticipates that a Notice of Exemption to abandon the Line will be filed at the STB on or after October 22, 2007.

A map of the Line marked **Attachment No. 1** is attached hereto and hereby made a part hereof. UP's letter to federal, state and local government agencies marked **Attachment No. 2** is attached hereto and is hereby made a part hereof. Responses received thus far to UP's letter are attached hereto and sequentially referenced as attachments in the appropriate sections of this Combined Environmental and Historic Report.

**ENVIRONMENTAL REPORT**  
**49 C.F.R. § 1105.7(e)**

**(1) Proposed action and alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

**Response:** The proposed action involves the exempt abandonment and discontinuance of service over the Huntsville Industrial Lead from Milepost 5.0 to Milepost 6.67 near Huntsville, a distance of 1.67 miles in Walker County, Texas.

The abandonment of the Line will have no adverse effect on shippers. There has been no local traffic in at least two years, and there is no overhead traffic. No complaint regarding a cessation of rail service has been filed, is in process, or has been ruled upon in favor of a complaining party in the last two years. After abandonment, the closest rail location would be UP at Townley, which lies just to the east on the portion of the Huntsville Industrial Lead not affected by the proposed abandonment.

The Line was originally constructed by the Huntsville Branch Railway in 1872. Most of the segment currently consists of 90-pound rail laid in 1951; the final third of a mile contains 75-pound rail laid in 1931.

Southern States Capital Corporation has expressed a desire to acquire the property for a public pedestrian and bicycling park. Otherwise, UP does not believe the property is suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, in that the area is adequately served by existing roads and utility lines. Of the total 31.38 acres, 1.5 acres is reversionary property. Based on information in UP's possession, the Line does not contain

federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

A map of the Line is attached as **Attachment No. 1.**

**(2) Transportation system.** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

**Response:** Because no traffic moves over the Line and no traffic is expected to move in the future, there should be no effect on regional or local transportation systems or patterns, and there will be no diversion to other modes or systems.

**(3) Land use.**

**(i)** Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

**(ii)** Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

**(iii)** If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

**(iv)** If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

**Response:**

**(i)** The Walker County Commissioners Office has been contacted. To date UP has not received a response.

**(ii)** The United States Natural Resources Conservation Service ("NRCS") has been contacted. The NRCS has determined the proposed abandonment does not contain Important Farmland Soils and is exempt from the FPPA law because the area is considered as already converted to urban land. The NRCS response is attached as **Attachment No. 3**, and is hereby made a part hereof.

**(iii) Not Applicable.**

**(iv) The property is generally not suitable for other public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, in that the area is adequately served by existing roads and utility lines at the present time.**

**(4) Energy.**

**(i) Describe the effect of the proposed action on transportation of energy resources.**

**(ii) Describe the effect of the proposed action on recyclable commodities.**

**(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

**(iv) If the proposed action will cause diversions from rail to motor carriage of more than:**

**(A) 1,000 rail carloads a year, or**

**(B) an average of 50 rail carloads per mile per year for any part of the affected Line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.**

**Response:**

**(i) There will be no effects on the transportation of energy resources.**

**(ii) There are no recyclable commodities handled over the Line.**

**(iii) There will be no effect on energy efficiency.**

**(iv)(A)(B) There will be no rail-to-motor diversion.**

**(5) Air.**

**(i) If the proposed action will result in either:**

**(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or**

**(B) an increase in rail yard activity of at least 100% (measured by carload activity), or**

**(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901**

(or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§ (5)(i)(A) will apply.

**Response:** There are no such effects anticipated.

(ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

**Response:** There will be no increase in rail traffic, rail yard activity, or truck traffic of these magnitudes as a result of the proposed action.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

**Response:** The proposed action will not affect the transportation of ozone depleting materials.

#### **(6) Noise.**

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(I) an incremental increase in noise levels of three decibels Ldn or more or

(II) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

**Response:** Not applicable.

**(7) Safety.**

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

**Response:**

(i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

**(8) Biological resources.**

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

**Response:**

(i) The U. S. Fish and Wildlife Service has been contacted. The Texas Parks & Wildlife ("TPWD") reviewed the proposed abandonment and offered recommendations in the areas of Vegetation Impacts, Migratory Bird Treaty Act, Revegetation, and Rare Resources. The TPWD response is attached as **Attachment No. 4**, and is hereby made part hereof.



(ii) UP is not aware of any wildlife sanctuaries or refuges, or of any National or State parks or forests, that will be affected by the proposed abandonment. The National Park Service Regional Office has been contacted, to date UP has received no response.

**(9) Water.**

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

**Response:**

(i) The Texas Natural Resource Conservation Commission has been contacted. To date UP has received no response.

(ii) The U.S. Army Corps of Engineers has been contacted. To date UP has received no response.

(iii) It is not anticipated there will be any requirements for Section 402 permits.

**(10) Proposed Mitigation.**

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

**Response:** There are no known adverse environmental impacts.

**HISTORIC REPORT**  
**49 C.F.R. § 1105.8(d)**

**(1)** A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

**Response:** See Attachment No. 1 and Attachment No. 5.

**(2)** A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.

**Response:** The right-of-way proposed for abandonment is 150 feet wide and is slightly hilly ground entirely within the town of Huntsville.

**(3)** Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area.

**Response:** The Texas Historical Commission was provided with photos and a description of each structure on the property 50 years old or older. A copy of the letter sent to the Texas Historical Commission is attached as **Attachment No. 5**, and is hereby made part hereof. The Texas Historical Commission reviewed the photos and determined that the structures are not eligible for listing in the National Register of Historic Places and that the proposed project, abandonment of the Line, may proceed. The Texas Historical Commission's response is attached at **Attachment No. 6**, and is hereby made a part hereof.

**(4)** The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

**Response:** See Attachment No. 1 and Attachment No. 5.

**(5)** A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

**Response:** See the preceding pages for a brief history and description of carrier operations.

**(6)** A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

**Response:** Not applicable.

**(7)** An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

**Response:** At this time, UP knows of no historic sites or structures or archeological resources on the Line or in the project area. UP believes that there is nothing in the scope of the project that merits historical comment and that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction of the Line. The Texas Historical Commission concurs with this assessment regarding the structures on the Line that are 50 years old or older and that such structures are not eligible for listing in the National Register of Historic Places. See **Attachment No. 6**.

**(8)** A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain:

**Response:** UP does not have any readily available information regarding the above-referenced conditions that might affect the archeological recovery of resources.

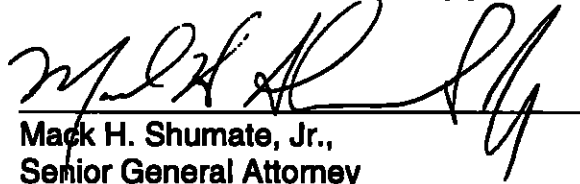
**(9)** Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

**Response:** Not applicable.

Dated this 28<sup>th</sup> day of September, 2007.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

A handwritten signature in black ink, appearing to read 'Mack H. Shumate, Jr.', is written over a horizontal line.

Mack H. Shumate, Jr.,  
Senior General Attorney  
101 North Wacker Drive, Room 1920  
Chicago, Illinois 60606  
(312) 777-2055  
(312) 777-2065 FAX

**CERTIFICATE OF SERVICE**  
**OF THE**  
**COMBINED ENVIRONMENTAL AND HISTORIC REPORT**

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 246X) for the Huntsville Industrial Lead in Walker County, Texas was served by first class mail on the 28<sup>th</sup> day of September, 2007 on the following:

**State Clearinghouse (or alternate):**

Tom Adams  
Governor's Office of Budget and Planning  
P.O. Box 12428  
Austin, TX 78711

**State Environmental Protection Agency:**

Texas Natural Resource Conservation  
Commission  
Ken Patterson, Deputy Director  
P.O. Box 13087, m145  
Austin, TX 78711-3087

**State Coastal Zone Management Agency**

**(if applicable):**

Not applicable.

**Head of County (Planning):**

Walker County Commissioners  
1100 University Avenue  
County Courthouse  
Huntsville, TX 77340-4639

**Environmental Protection Agency**

**(regional office):**

U.S. Environmental Protection Agency  
Region 6  
1445 Ross Avenue  
Dallas, TX 75202-2733

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service  
Southwest Region 2  
U.S. Fish & Wildlife Service  
500 Gold Avenue SW - Room 4000  
Albuquerque, NM 87102

**U.S. Army Corps of Engineers:**

U.S. Army Engineer District Fort Worth  
Benbrook Lake Project Office  
P.O. Box 26619  
Fort Worth, Texas 76126-0619

**National Park Service:**

U. S. National Park Service  
12795 Alameda Parkway  
Denver, CO 80228

**U.S. Natural Resources Conservation Service:**

USDA, Natural Resources Conservation Service  
Soil Survey Section  
W R Poage Federal Bldg.  
101 South Main Street  
Temple, TX 76501-7682

**National Geodetic Survey:**

National Geodetic Survey  
Edward J. McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

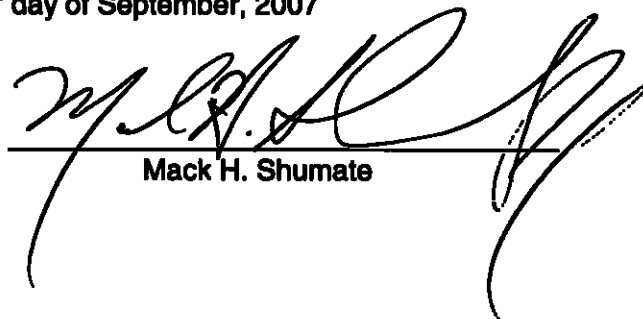
**State Historic Preservation Office:**

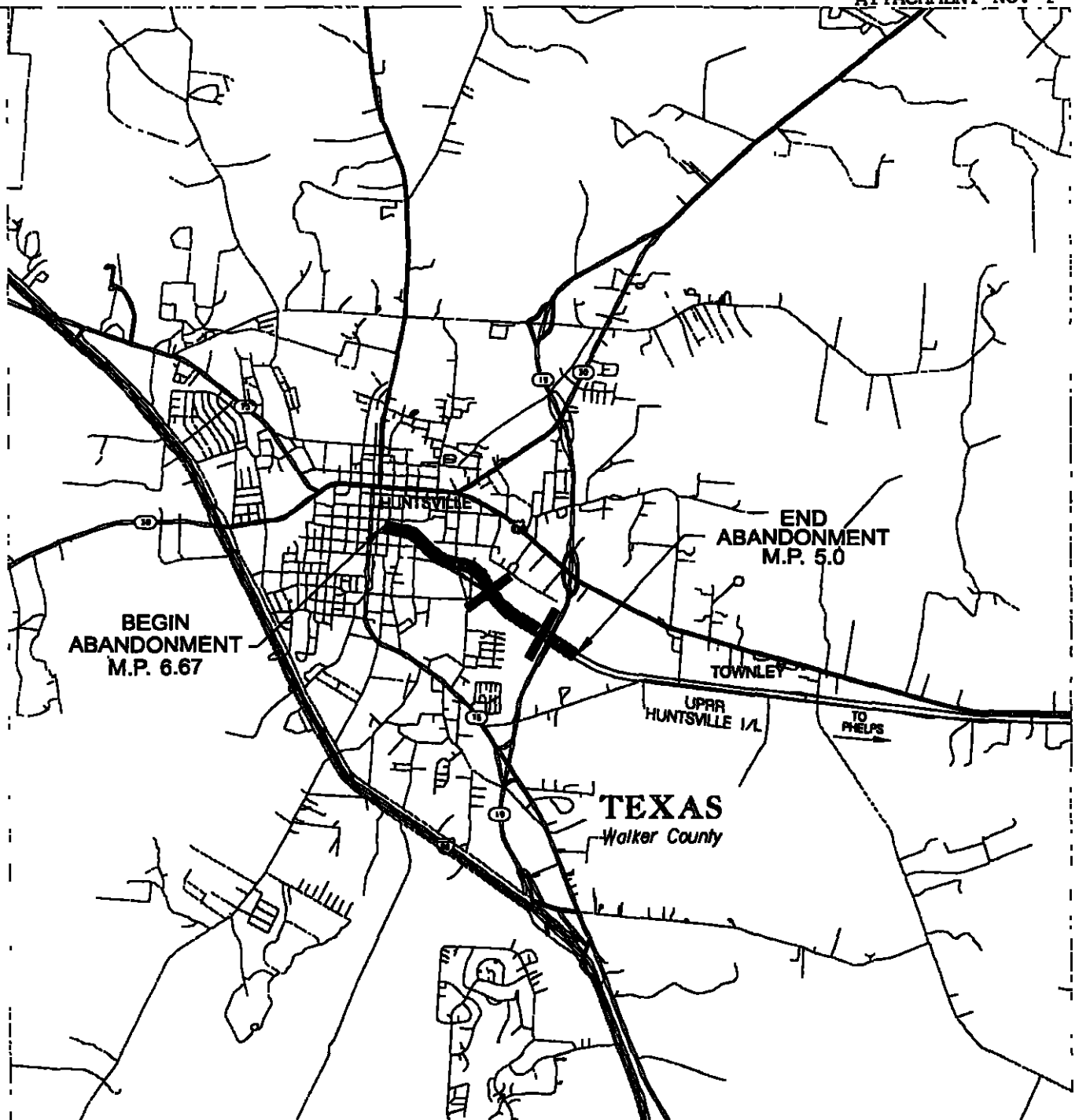
Texas Historical Commission  
James W. Steely  
History Program Division  
P. O. Box 12276  
Austin, TX 78711-2276

**Other Agencies Consulted:**

Texas Parks & Wildlife  
Andrew Swanson  
4200 Smith School Road  
Austin, TX 78744-3291

Dated this 28<sup>th</sup> day of September, 2007

  
Mack H. Shumate



BRIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
530	4 SPAN RAIL TIMBER PILE TREXILE OPEN DECK (TPTOD)	54'	1927
580	5 SPAN RAIL TIMBER PILE TREXILE OPEN DECK (TPTOD)	82'	1927

## LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- RAILROADS (abandoned)
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

## HUNTSVILLE INDUSTRIAL LEAD

MP 5.0 TO MP 6.67  
TOTAL OF 1.67 MILES  
IN WALKER COUNTY

UNION PACIFIC RAILROAD CO.  
HUNTSVILLE INDUSTRIAL LEAD  
TEXAS

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE MILES

FILE: Q:\abandonments\ab33\_246\_huntsville\_v8.dgn

DATE: 14-Sep-06 06:27

AB-33(Sub No. 246X)



(402) 501-0127 (FAX)

September 29, 2006

**State Clearinghouse (or alternate):**

Tom Adams  
 Governor's Office of Budget and Planning  
 P.O. Box 12428  
 Austin, TX 78711

**State Environmental Protection Agency:**

Texas Natural Resource Conservation  
 Commission  
 Ken Patterson, Deputy Director  
 P O Box 13087, m145  
 Austin, TX 78711-3087

**State Coastal Zone Management Agency  
 (if applicable):**

Not applicable.

**Head of County (Planning):**

Walker County Commissioners  
 1100 University Avenue  
 County Courthouse  
 Huntsville, TX 77340-4639

**Environmental Protection Agency  
 (regional office):**

U S Environmental Protection Agency  
 Region 6  
 1445 Ross Avenue  
 Dallas, TX 75202-2733

**U.S. Fish and Wildlife:**

U S Fish & Wildlife Service  
 Southwest Region 2  
 U.S. Fish & Wildlife Service  
 500 Gold Avenue SW - Room 4000  
 Albuquerque, NM 87102

**U.S. Army Corps of Engineers:**

U.S. Army Engineer District Fort Worth  
 Benbrook Lake Project Office  
 P O Box 26619  
 Fort Worth, Texas 76126-0619

**National Park Service:**

National Park Service  
 William D. Shaddox  
 Chief, Land Resources Division  
 800 North Capitol Street, NE., Room 540  
 Washington, D C 20002

**U.S. Natural Resources Conservation Service:**

USDA, Natural Resources Conservation Service  
 Soil Survey Section  
 W R Poage Federal Bldg.  
 101 South Main Street  
 Temple, TX 76501-7682

**National Geodetic Survey:**

National Geodetic Survey  
 Edward J. McKay, Chief  
 Spatial Reference System Division  
 NOAA N/NGS2  
 1315 E-W Highway  
 Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

Texas Historical Commission  
 James W. Steely  
 History Program Division  
 P O Box 12276  
 Austin, TX 78711-2276

**Other Agencies Consulted:**

Texas Parks & Wildlife  
 Andrew Swanson  
 4200 Smith School Road  
 Austin, TX 78744-3291

Re: Proposed Abandonment of the Huntsville Industrial Lead from M. P. 5.0 to M. P. 6.67  
 near Huntsville, Walker County, Texas; STB Docket No. AB-33 (Sub-No. 246X)

Law Department

UNION PACIFIC RAILROAD  
 1400 Douglas St., Stop 1580, Omaha, NE 68179-1580  
 fx (402) 501-0127

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Huntsville Industrial Lead from M. P. 5.0 to M. P. 6.67 near Huntsville, a distance of 1.67 miles in Walker County, Texas. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to again request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

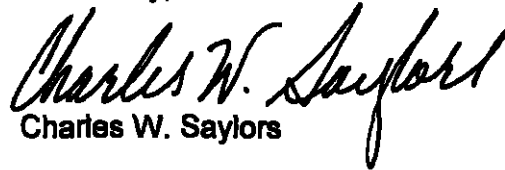
U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

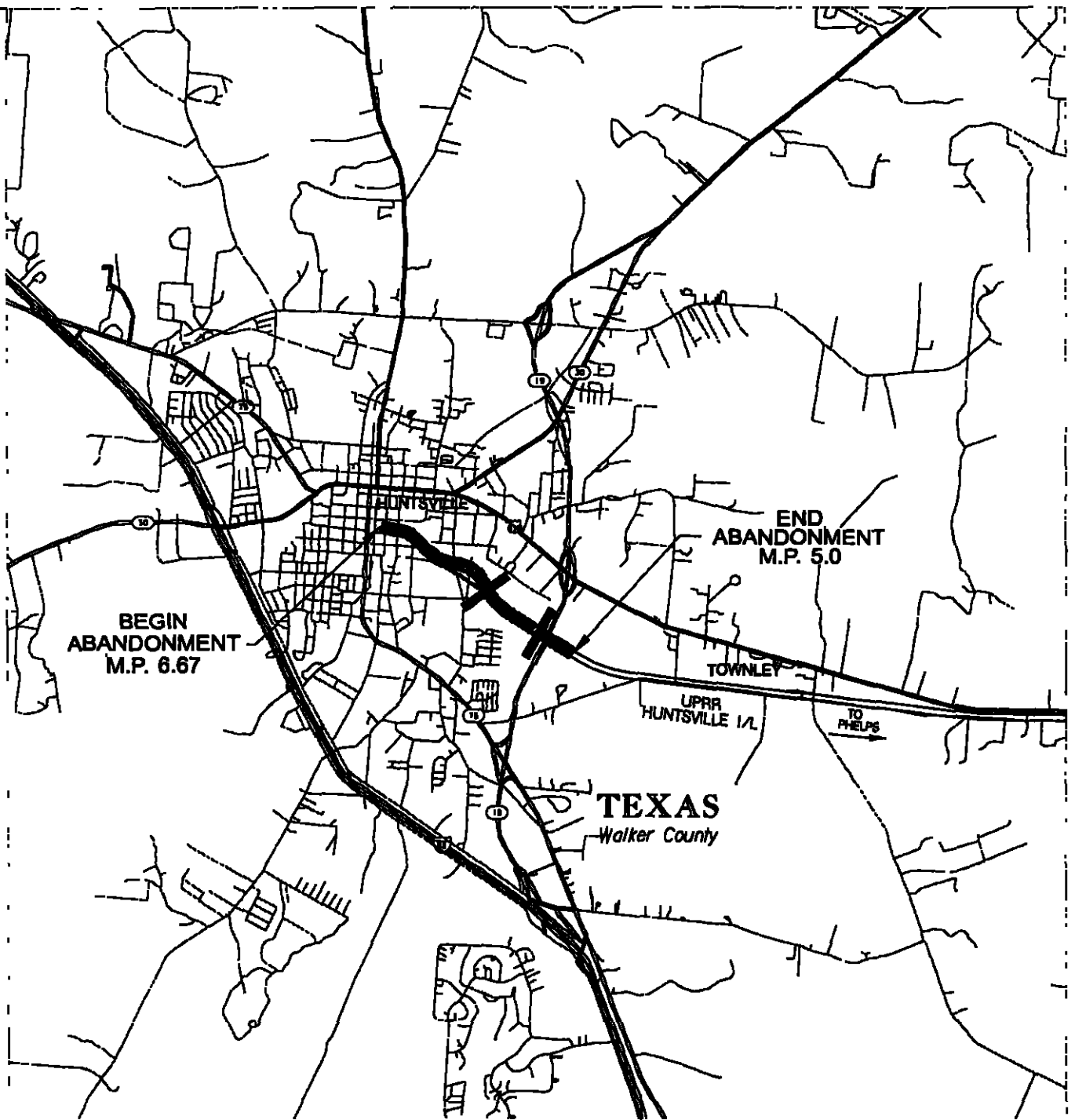


Thank you for your assistance Please send your reply to Union Pacific Railroad, Mr Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-4861.

Yours truly,

  
Charles W. Saylor

Attachment



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
330	4 SPAN RAIL TIMBER PILE TREESTLE OPEN DECK (TFTOD)	54	1957
583	6 SPAN RAIL TIMBER PILE TREESTLE OPEN DECK (TFTOD)	67	1927

#### LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- RAILROADS (abandoned)
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

#### HUNTSVILLE INDUSTRIAL LEAD

MP 5.0 TO MP 6.67  
TOTAL OF 1.67 MILES  
IN WALKER COUNTY

UNION PACIFIC RAILROAD CO  
HUNTSVILLE INDUSTRIAL LEAD  
TEXAS

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE MILES

FILE: Q:\abandonments\ab33\_246\_huntsville\_v8.dgn

DATE 14-Sep-06 06:27

United States Department of Agriculture



Natural Resources Conservation Service  
101 South Main Street  
Temple, TX 76501-7802

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October 4, 2006

Union Pacific Railroad  
1400 Douglas Street, Mail Stop 1580  
Omaha, Nebraska, 68179

**Attention: Mr. Charles W. Saylor, Law Department**

**Subject: LNU-Farmland Protection-  
Abandonment of 1.67 miles UP Huntsville Industrial Lead RR  
Walker County, Texas**

We have reviewed the information provided concerning the proposed Abandonment of 1.67 miles of the UP Huntsville Industrial Lead Railroad in Bexar County, Texas as outlined in your letter of September 29, 2006. This is part of NEPA evaluation for the Surface Transportation Board. We have evaluated the proposed site as required by the Farmland Protection Policy Act (FPPA).

The proposed project does not contain Important Farmland Soils and is exempt from the FPPA law because the area is considered as already converted to urban land. The FPPA law excludes from the definition of "farmland" areas that contain more than 30 structures per 40 acres. These areas would be considered as previously converted to urban land. We have completed an AD-1006 form indicating the exemption.

I have attached the completed AD-1006 (Farmland Conversion Impact Rating) form for this project. Thanks for the resource materials you submitted to evaluate this project. If you have any questions please call James Greenwade at (254)-742-9960, Fax (254)-742-9859.

Thanks,

James M. Greenwade  
Soil Scientist  
Soil Survey Section  
USDA-NRCS, Temple, Texas



December 13, 2006

Mr. Charles Saylor  
Union Pacific Railroad  
Law Department  
1400 Douglas, St. Stop 1580  
Omaha, NE 68179

RE: Proposed Abandonment of the Huntsville Industrial Lead from M.P. 5.0 to M.P. 6.67 near Huntsville, Walker County, Texas.

Dear Mr. Saylor:

Thank you for coordinating with Texas Parks and Wildlife Department (TPWD) regarding the proposed project referenced above. TPWD staff reviewed the proposed abandonment project and offers the following comments concerning the project.

The proposed project entails the abandonment of 1.67 miles of railway from milepost 5.0 to milepost 6.67 near the city of Huntsville.

#### Vegetation Impacts

##### **Recommendation:**

TPWD recommends that clearing of mature, native trees along the route be avoided. Loss of vegetation should be minimized by using site planning and construction techniques designed to avoid and preserve existing trees, shrubs, grasses, and forbs.

#### Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) provides for a year round closed season for non-game birds and prohibits the taking of migratory bird nests and eggs, except as permitted by the U.S. Fish and Wildlife Service.

##### **Recommendations:**

1. Construction activities such as, but not limited to, tree felling as well as vegetation clearing, trampling, or maintenance should occur outside the April 1-July 15 migratory bird nesting season of each year the project is authorized and lasting for the life of the project.

*To manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing and outdoor recreation opportunities for the use and enjoyment of present and future generations.*

COMMISSIONERS  
JOSEPH B C FITZGERALD  
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DALLAS  
JOHN D PARKER  
LUFKIN  
LEE M RAB  
CHAIRMAN-EMERITUS  
FORT WORTH  
ROBERT L COOK  
EXECUTIVE DIRECTOR



Take a kid  
hunting or fishing  
• • •  
Visit a state park  
or historic site

Mr. Charles Saylor  
December 13, 2006  
Page 2 of 3

2. To comply with the MTBA, the proposed site should be surveyed for migratory bird nest sites prior to construction or future maintenance activities.

3. Since raptors nest in late winter and early spring, all construction activities as identified above should be excluded from a minimum zone of 100 meters around any raptor nest during the period of February 1- July 15.

Please contact the U.S. Fish and Wildlife Service Southwest Regional Office (Region 2) at (505) 248-6879 for further information.

### **Revegetation**

#### **Recommendations:**

1. TPWD recommends that TxDOT reseed disturbed soils with a mixture of grasses and forbs native to Walker County.

2. To enhance native grasses available to wildlife in the project area, TPWD recommends that Bermuda grass be avoided to the extent possible in reseeding efforts, though TPWD understands that slopes may require certain grasses to control erosion.

For assistance in determining the best native seed mix for the project area, please contact our staff. Runoff control measures should be maintained until native plants have been reestablished on disturbed areas.

### **Rare Resources**

Occurrences of the species of concern Warner's hawthorn (*Crataegus warneri*) have been documented within 1.5 miles of the project site. Printouts for these occurrence records are included for your planning reference. **Please do not include species occurrence printouts in your draft or final documents.** Because some species are especially sensitive to collection or harassment, these records are for your reference only. Given the small proportion of public versus private land in Texas, the Natural Diversity Database (NDD) does not include a representative inventory of rare resources in the state. Although it is based on the best data available to TPWD regarding rare species, the data from the NDD do not provide a definitive statement as to the presence, absence, or condition of special species, natural communities, or other significant features within your project area. These data cannot substitute for an on-site evaluation by your qualified biologists. Determination of the actual presence of a species in a given area


Mr. Charles Saylor  
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depends on a number of variables. These are daily and seasonal activity cycles, environmental activity cues, preferred habitat, transiency, and population density (both wildlife and human). Absence of a species can be demonstrated only with great difficulty and then only with repeated negative observations, taking into account all of the variable factors contributing to the lack of observability.

The potential of converting the abandoned rail line to a recreational trail that could potentially preserve habitat for listed species should be investigated. Assistance in planning for land use conversion to recreational use can be obtained from Andrew Goldbloom (512-389-4737) with the State Parks Division.

Please contact me at 361-576-0022, if we may be of further assistance.

Sincerely,

  
Amy Hanna  
Wildlife Habitat Assessment Program  
Wildlife Division

/ajh

Attachment

## Element Occurrence Record

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<u>Scientific Name:</u>	<i>Crataegus warneri</i>	<u>Occurrence #:</u>	10	<u>Eo Id:</u>	4016
<u>Common Name:</u>	Warner's Hawthorn	<u>TX Protection Status:</u>			
<u>Global Rank:</u>	G2Q	<u>State Rank:</u>	S2		

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### Location Information:

<u>Watershed Code:</u>	<u>Watershed Description:</u>
12040103	East Fork San Jacinto
12040101	West Fork San Jacinto
12030202	Lower Trinity-Kickapoo

<u>County Code:</u>	<u>County Name:</u>	<u>Mapsheet Code:</u>	<u>Mapsheet Name:</u>	<u>State:</u>
TXWALK	Walker	30095-F5	Huntsville	TX

### Directions:

HUNTSVILLE

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### Survey Information:

<u>First Observation:</u>	1917	<u>Survey Date:</u>		<u>Last Observation:</u>	1918
<u>Eo Type:</u>		<u>EO Rank:</u>		<u>EO Rank Date:</u>	
<u>Observed Area (acres):</u>					

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### Comments:

#### General Description:

Comments: STATUS REPORT LISTS SPECIMENS (PALMER #12037, WARNER S.N ) BUT DOESNT CITE HERBARIA

#### Protection Comments:

#### Management Comments:

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### Data:

#### EO Data:

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### Site:

PINEYWOODS CONSERVATION INITIATIVE

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### Managed Area:

<u>Managed Area Name:</u>	<u>Managed Area Type:</u>

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## **Element Occurrence Record**

### **Reference:**

#### **Full Citation:**

MAHLER, W F. 1985. STATUS REPORT ON CRATAEGUS WARNERI. USF& WS, ALBUQUERQUE, NM.

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### **Specimen:**

Unknown Herbarium. 1918.? E J Palmer #12037, Specimen # ? (Herbarium not cited in report).

Unknown Herbarium 1917. Warner (s.n ), Specimen # ? (Herbarium not cited in report).

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# **Code Key for Printouts from Texas Parks and Wildlife Department Natural Diversity Database (NDD)**

This information is for your assistance only; due to continuing data updates, vulnerability of private land to trespass and of species to disturbance or collection, please do not publish in public documents or otherwise reprint or redistribute the information, instead refer all requesters to our office to obtain the most current information available. Also, please note, identification of a species in a given area does not necessarily mean the species currently exists at the point or area indicated.

## **LEGAL STATUS AND CONSERVATION RANKS**

### **FEDERAL STATUS** (as determined by the US Fish and Wildlife Service)

LE	Listed Endangered
LT	Listed Threatened
PE	Proposed to be listed Endangered
PT	Proposed to be listed Threatened
PDL	Proposed to be Delisted (Note: Listing status retained while proposed)
E/SA, T/SA	Listed Endangered on basis of Similarity of Appearance, Listed Threatened on basis of Similarity of Appearance
DL	Delisted Endangered/Threatened
C1	Candidate, Category 1. USFWS has substantial information on biological vulnerability and threats to support proposing to list as threatened or endangered. Data are being gathered on habitat needs and/or critical habitat designations
C1*	C1, but lacking known occurrences
C1**	C1, but lacking known occurrences, except in captivity/cultivation
XE	Essential Experimental Population
XN	Non-essential Experimental Population
Blank	Species is not federally listed

### **TX PROTECTION** (as determined by the Texas Parks and Wildlife Department)

E	Listed Endangered
T	Listed Threatened
Blank	Species not state-listed

### **GLOBAL RANK** (as determined by NatureServe)

G1	Critically imperiled globally, extremely rare, typically 5 or fewer viable occurrences
G2	Imperiled globally, very rare, typically 6 to 20 viable occurrences
G3	Very rare and local throughout range or found locally in restricted range, typically 21 to 100 viable occurrences
G4	Apparently secure globally
G5	Demonstrably secure globally
GH	Of historical occurrence through its range
GU	Possibly in peril range-wide, but status uncertain
G#G#	Ranked within a range as status uncertain
GX	Apparently extinct throughout range
Q	Rank qualifier denoting taxonomic assignment is questionable
#?	Rank qualifier denoting uncertain rank
C	In captivity or cultivation only
G#T#	"G" refers to species rank, "T" refers to variety or subspecies rank

### **STATE (SUBNATIONAL) RANK** (as determined by the Texas Parks and Wildlife Department)

S1	Critically imperiled in state, extremely rare, vulnerable to extirpation, typically 5 or fewer viable occurrences
S2	Imperiled in state, very rare, vulnerable to extirpation, typically 6 to 20 viable occurrences
S3	Rare or uncommon in state, typically 21 to 100 viable occurrences
S4	Apparently secure in State
S5	Demonstrably secure in State
S#S#	Ranked within a range as status uncertain
SH	Of historical occurrence in state and may be rediscovered
SU	Unrankable – due to lack of information or substantially conflicting information
SX	Apparently extirpated from State
SNR	Unranked – State status not yet assessed
SNA	Not applicable – species is not a suitable target for conservation activities
?	Rank qualifier denoting uncertain rank in State



November 27, 2006

Texas Historical Commission  
James W. Steely  
History Program Division  
P. O. Box 12276  
Austin, TX 78711-2276

Re: Proposed Abandonment of the Huntsville Industrial Lead from M. P. 5.0 to M. P. 6.67 near Huntsville in Walker County, Texas; STB Docket No. AB-33 (Sub-No. 246X)

Dear Sir:

Enclosed for your review are four photographs of the bridges located on the Huntsville Industrial Lead which are over 50 years old, along with a map of the proposed abandonment. The bridges are described as follows:

<u>Milepost</u>	<u>Description</u>	<u>Length</u>	<u>Year Constructed</u>
5.30	4 Span Rail Timber Pile Trestle Open Deck (TPTOD)	54'	1927
5.80	5 Span Rail Timber Pile Trestle Open Deck (TPTOD)	68'	1927

Please advise if you believe there is historical significance to either of the bridges.  
Thank you for your assistance.

Sincerely,

*Charles W. Saylor*  
Charles W. Saylor  
(402) 544-4861

Attachments

Law Department

UNION PACIFIC RAILROAD  
1400 Douglas St., Stop 1580, Omaha, NE 68179-1580  
fx (402) 501-0127



MILEPOST 5.30



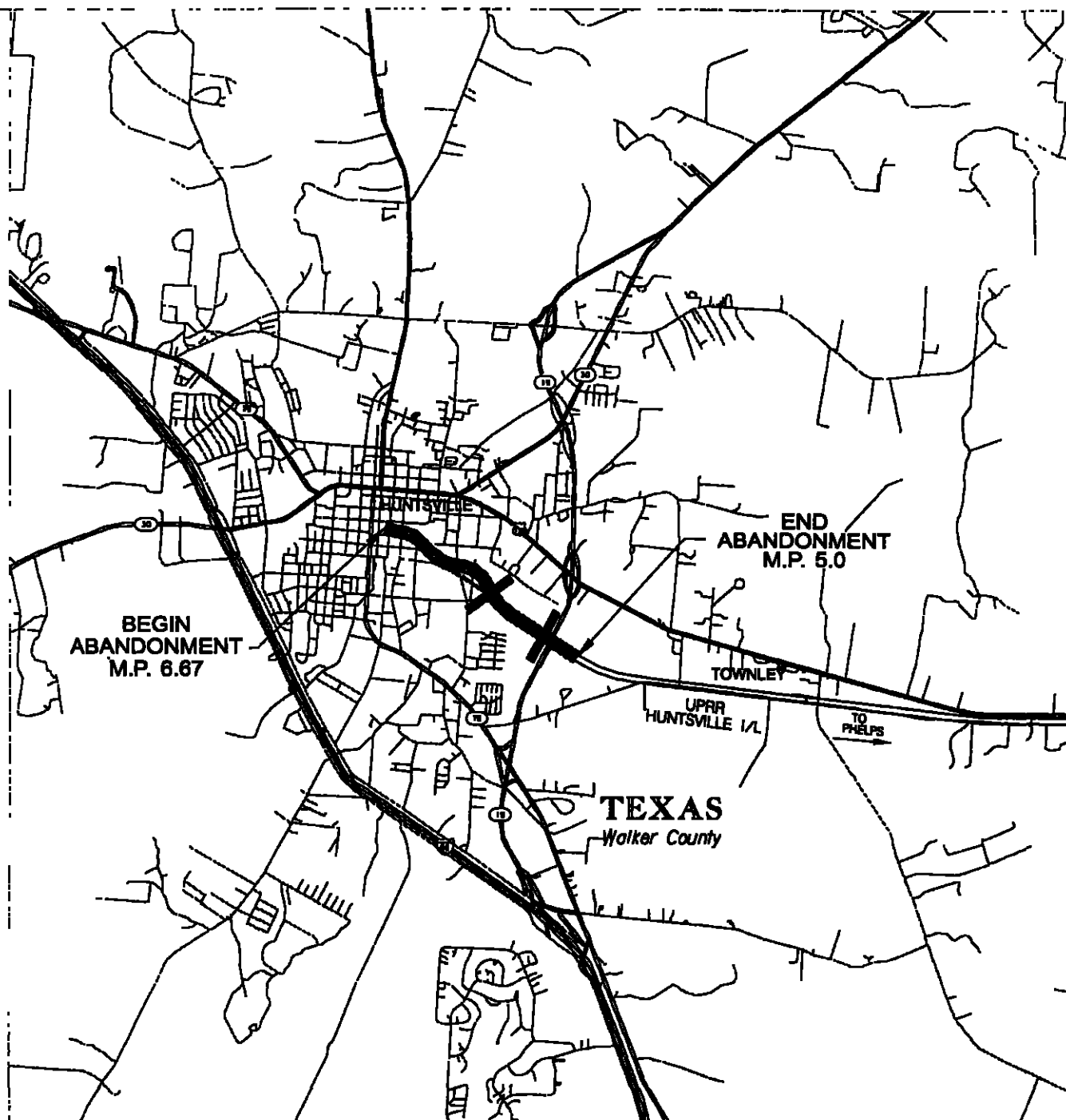
MILEPOST 5.30



MILEPOST 5.80



MILEPOST 5.80



BRIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
5.30	4 SPAN RAIL TIMBER PILE TREXILE OPEN DECK (TPTOD)	54'	1927
5.80	5 SPAN RAIL TIMBER PILE TREXILE OPEN DECK (TPTOD)	67'	1927

#### LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- RAILROADS (abandoned)
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

#### HUNTSVILLE INDUSTRIAL LEAD

MP 5.0 TO MP 6.67  
TOTAL OF 1.67 MILES  
IN WALKER COUNTY

UNION PACIFIC RAILROAD CO  
HUNTSVILLE INDUSTRIAL LEAD  
TEXAS

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE MILES

FILE: Q:\abandonments\ab33\_246\_huntsville\_v8.dgn

DATE: 14-Sep-06 06.27



NOV 30 2006

November 27, 2006

RECEIVED

DEC 01 2006

Division of Architecture

Texas Historical Commission  
James W. Steely  
History Program Division  
P O Box 12276  
Austin, TX 78711-2276

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Please advise if you believe there is historical significance to either of the bridges.  
Thank you for your assistance.

<b>NOT ELIGIBLE</b>	
for listing in the National Register of Historic Places	
<b>PROJECT MAY PROCEED</b>	
by	<i>[Signature]</i>
for	F. Lawrence Oaks
	State Historic Preservation Officer
Date	12-19-06

Attachments

Sincerely,

*Charles W. Saylors*  
Charles W. Saylors  
(402) 544-4861

Law Department

UNION PACIFIC RAILROAD  
1400 Douglas St., Stop 1580, Omaha, NE 68179-1580  
Ex. (402) 501-0127